

saturated six-member ring systems wherein at least one carbon is substituted with an oxygen" is in response to the section 112, first and second paragraph rejections. The amendment more distinctly focuses the claim on the invention and does not include any new matter.

The amendments to the provisos are in response to 102 and 103 rejections by the Examiner in the Final Office Action. The amended provisos are believed to obviate both rejections and to place the claims in condition for allowance. Therefore, claims 1-5 and 21 are currently pending in this application.

In response to the Final Office Action, dated March 22, 2000

II. Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 1-2 and 4-5 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Examiner contends that the scope of the terms "acyl" and "amido" is unknown. The Examiner alleges that the term "acyl" may include inorganic moieties, such as sulfonyl and phosphonyl, and that the term "amido" ~~does not describe the nature of the groups on the nitrogen atom. The Examiner~~ further alleges that the term "fused heteroatom containing ring systems" is indefinite.

In response to the Examiner's rejection of the terms "acyl" and "amido", these substituents have been deleted from claim 1.

In response to the Examiner's rejection of the term "fused heteroatom containing ring systems", claim 1 has been amended to more distinctly focus the

scope of the claims to the substituents that are described in the specification on page 5, lines 21-33 and example 16. Support for the synthesis of the claimed compounds can be found within the specification at pages 8-14.

The recitation of halogen as a substituent and proviso 1 have been removed from claim 1 by amendment of the claim.

The typographical error noted by the Examiner, in claim 1, also has been amended.

Accordingly, Applicants respectfully request that the rejection be withdrawn.

III. Rejections Under 35 U.S.C. §112, First Paragraph

Claims 1-2 and 4-5 stand rejected as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and use the invention. The Examiner contends that the claims lack descriptive support for the fused 5- or 6-membered rings. This ground for rejection is not believed to be well taken and is respectfully traversed.

The amendment to claim 1 limits the fused rings to unsaturated five-member ring systems where at least one carbon atom is substituted with a nitrogen and saturated six-member ring systems where at least one carbon is substituted with an oxygen, unsaturated five membered rings that contain nitrogen and saturated six membered rings that contain oxygen. The present specification provides descriptive support for these two fused ring classes (see page 5, lines 21-25 and

example 16). There is sufficient information in the application to enable a person of ordinary skill in the art to make and use the invention defined by the amended claims. The specification provides representative compounds, as well as general synthetic methods to enable those skilled in the art to make and use the compounds defined by the present claims. Those skilled in the art would need no further information beyond that disclosed in the specification to practice the inventions defined by the subsisting claims.

In light of the amendments to claim 1 and the arguments presented, withdrawal of the §112 first paragraph rejection is respectfully requested.

IV. Rejections Under 35 U.S.C. §103(a)

Claims 1-2 and 4-5 stand rejected under 35 U.S.C. §103(a) over Ward (U.S. '078). The Examiner states that proviso 4 (new proviso 3) only excludes Ar' as pyridyl, but that Ar also can be pyridyl. The Examiner alleges that monopyridyl at Ar/Ar', which is taught by Ward, can be embraced by the claims even with proviso

4.

In response to this rejection, proviso 4 has been amended so that neither Ar or Ar' can be pyridyl. This amendment excludes the subject matter taught in Ward.

Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

IV. Rejections Under 35 U.S.C. §102(b)

Claims 1-2 and 4-5 stand rejected under 35 U.S.C. §102(b) over Plilai *et al.* The Examiner contends that Plilai teaches compounds within the instant scope of the claims.

In response to this rejection, the Applicant's have amended claim 1, by the addition of proviso 4, to exclude the compounds taught by Plilai.

Therefore, withdrawal of the §102(b) rejection is respectfully requested.

VI. Objections

Claims 3, 19, and 20 stand objected to as being dependent upon rejected base claims. The amendments to the base claims should obviate these objections.

In response to the Advisory Action, dated July 14, 2000

The Examiner contends that the new genus would be sufficiently similar to the compounds of the Plilai reference, that they would be held as obvious variants. Applicants respectfully disagree. The substituents are not suggested by the Plilai reference and there is no teaching in how to synthesize these compounds. The production of these compounds is not trivial based on the compound described by Plilai, and thus unobvious.

The Examiner's contention that the scope of "acyl" and "amido" is moot, due to the removal of these terms by amendment of claim 1.

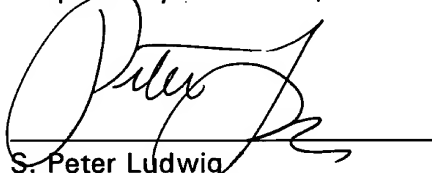
The Examiner further alleges that the term "containing" does not exclude other atoms as ring members. To address this contention, the claim has been

amended to state that the claimed heteroatom (*i.e.*, nitrogen or oxygen) replaces a carbon atom in the ring system.

CONCLUSION

In view of the foregoing amendments and remarks, the present claims are believed to be in condition for passage to allowance and such action is earnestly solicited.

Respectfully submitted,



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